

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 1:18-cr-00101-MR-WCM**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**DEREK SHAWN PENDERGRAFT,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the Defendant's request at arraignment for the appointment of a second attorney in a capital case made in accordance with 18 U.S.C. § 3005.

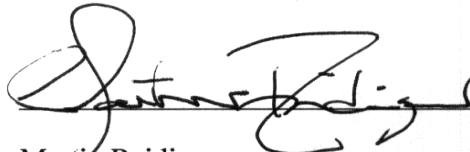
When charged with a capital offense, a defendant has the right to the appointment of two attorneys, one of whom is sufficiently experienced in providing representation in death penalty eligible offenses. See United States v. Boone, 245 F.3d 352, 359 (4th Cir. 2001). Having reviewed the qualifications of a panel of Learned Counsel in consultation with the Federal Public Defender for the Western District of North Carolina, and having concluded that Sean Devereux of the Buncombe County Bar and the Bar of

this Court is an experienced practitioner qualified to be Learned Counsel, the Court hereby enters the following Order.

**IT IS, THEREFORE, ORDERED** that the Defendant's request for appointment of counsel is **GRANTED**, and Sean Devereux is hereby **APPOINTED** as Learned Counsel to represent the Defendant in this matter. One attorney from the Federal Public Defenders of Western North Carolina shall continue to represent the Defendant as second chair counsel in this matter.

**IT IS SO ORDERED.**

Signed: January 18, 2019

  
Martin Reidinger  
United States District Judge

